

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BERNARD J. DELPRATO, JR.,)
Plaintiff,)
vs.) Civil Action No. 10-667
DAY CHEVROLET, INC.,)
Defendant.)

O R D E R

On May 14, 2010, the plaintiff, Bernard J. Delprato, Jr., initiated the above-captioned case by filing a motion to proceed in forma pauperis, which was granted. The complaint against the defendant, Day Chevrolet, Inc., was filed on May 18, 2010. On August 11, 2010, the defendant filed a motion to dismiss the complaint and in response, the plaintiff filed an amended complaint on September 10, 2010. On September 15, 2010, the defendant filed a motion to dismiss the plaintiff's amended complaint.

On November 29, 2010, a Report and Recommendation was filed by the United States Magistrate Judge, recommending that the defendant's motion to dismiss the amended complaint be granted. The R&R granted the parties until December 16, 2010 to file written objections thereto, and on December 16, 2010, the plaintiff filed objections.

AND NOW, this ~~27~~⁴ day of December, 2010, upon consideration of the objections filed by the plaintiff, and upon independent review of the motion, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 20), which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's motion to dismiss the amended complaint (Docket No. 12) is granted.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



Gary L. Lancaster
United States Chief District Judge